

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2007 APR 10 P 12:38

ALONZO AUSTIN, Executor At }
RUTH H. LEWIS, Estate }
Plaintiff(s) }

DEBRA P. HACKETT-CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

VS.

CIVIL ACTION NO.

MODERN WOODMEN OF AMERICA 3:07-CV-138-MHT-WC

et al,

Defendant(s)

Motion for Summary Judgment by Plaintiff(s) in
response to Motion to Dismiss by Defendant(s)

Plaintiff(s) pursuant to RULE 56 of the Federal Rules of Civil Procedure, Moves the Court to enter Summary Judgment for the Plaintiff(s), on the grounds that there is no genuine issue as to any material fact, and the Plaintiff(s), is entitled to judgment, as a matter of Law.

IN Support of this Motion, Plaintiff(s), refers to the record in this action, including the Complaint, The Answer to it and Plaintiff(s) attached Affidavit and exhibit's "A" & "B"

by ^{Alonzo Austin, prose} ~~Alonzo Austin, prose~~

ALONZO AUSTIN
1321 Oliver-Carlis Rd,
Tuskegee, AL. 36083
Ph# (334) 727-5476

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THE MIDDLE DISTRICT OF ALABAMA

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ALONZO AUSTIN, Executor, for }
RUTH H. LEWIS, Estate }
Plaintiff(s) }

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VS.

MODERN WOODMEN OF AMERICA }
et al, }

Defendant(s) }

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

Affidavit in Support of Motion For Summary Judgment,

STATE OF ALABAMA } ss.
COUNTY OF MACON }

ALONZO AUSTIN, who, being first duly Sworn
deposes and Says:

I, I am ALONZO AUSTIN, and have personal
knowledge of the facts set forth.

This affidavit is submitted in support of the Plaintiff(s)
Motion for Summary Judgment, for the purpose of showing
that there is in this action no genuine issue as to
any material fact, and that the Plaintiff(s) is entitled
to Judgment as a matter of Law. As issue is
Constitutional in Nature.

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2. Plaintiff(s) first encounter with THE Defendant, Mason Manor, Assisted Living Facility, on April 30, 1994, after following ~~Jeanita~~ Jeanita K. Upshaw, without her knowing and Plaintiff(s) saw Ms. Upshaw, go in the Facility, and Plaintiff(s), later saw Ms. Upshaw leave, a short time later on same day Plaintiff(s), entered and found Principal RUTH H. LEWIS, with head bowed and very dejected and awfully depressed. Once she recognized I had come for her she initially kept calling my name ALONZO, ALONZO!! Thank you Jesus!! and so forth Plaintiff(s), in an effort not to be redundant (incorporate by reference the testimony given in affidavit, supporting motion for summary judgment in response to Defendant(s), Montgomery City Police, motion to dismiss).

3. Plaintiff(s), (incorporate by reference testimony via affidavit, given to support motion for summary judgment in response to, ALABAMA STATE BOARD OF LICENSING, motion to dismiss.)

4. Plaintiff sent a letter to owner CRIS MASON, see exhibit "A." and CRIS MASON, in turn sent a response letter to Plaintiff(s), see exhibit "B."

IN conclusion, MASON MANOR, Assisted Living, joined a long list of STATE ACTORS and CIVILIANS

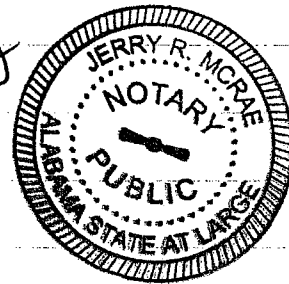
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in depriving Plaintiff(s), of their Constitutional
Federally Guaranteed protected Civil Rights,
When on June 10, 1994, Defendant, MASON MANOR,
Assisted Living Facility, with the assistance from
the Montgomery City Police, prevented Plaintiff(s),
from Removing MS. LEWIS, THE PRINCIPAL, in
THE LAW OF AGENCY, and in the alternative
kept MS. RUTH A. LEWIS, against her WILL!!
With out any regard for her Constitutional Rights,
while acting under the color of STATE LAW!!
in violation of 42 U.S.C. § 1983.!!!

by, Alonzo Austin, prose
Alonzo Austin prose

Jerry R. McRae, Notary

Com. Expires 8-28-09



by, Alonzo Austin, prose

Alonzo Austin

1321 Oliver-Carlis Rd.

Tuskegee, AL. 36683

Ph# (334) 727-5476



Mason Manor
Assisted Living Facility for the Senior Citizen

Exhibit 7 *#1*

June 15, 1994

Mr. Alonzo Austin
1321 Oliver-Carlis Road
Tuskegee, Alabama 36083

Dear Sir:

In response to your letter dated June 12, 1994, Ruth H. Lewis was entered into Mason Manor by Mrs. Upshaw, her aunt. She is not being kept against her will and I told you and Mrs. Upshaw that Mrs. Lewis would have to be moved from Mason Manor by June 30, 1994. Mason Manor does not and will not be involved in a family matter. 7

Sincerely,

Chris Mason
Chris Mason
MASON MANOR

CM/jm

EXHIBIT B

Alonzo Austin
1321 Oliver-Carlis Rd.
Tuskegee, AL. 36083
6/12/94

Mr. Cris Mason
4120 Carmicheal Rd.
Montgomery, AL. 36106

Dear Sir:

My name is Alonzo Austin. I am Ruth H. Lewis's agent, her attorney in- fact. For confirmation please see document entitled Durable General Power of Attorney and identified as Exhibit A. I demand of you that Ruth H. Lewis be released to me Alonzo Austin, her agent and Attorney in fact immediately pursuant to code of Al. 1975 § 26-1-2 sub paragraph A, B, Call Lawyer Bulls at 727-1079 if you have any legal questions regarding Mrs. Lewis's competency. Mrs. Lewis is housed in one of your Asissted Living Facility namely Mason Manor addressed at 5888 Cherry Hill Road and being held against her will for reasons that have not been substantiated at this time. Mr. Mason, I expect your full cooperation for I am sending a copy of this letter to the Attorney Generals office care of Attorney Spence Singleton. Please be advised that I am asking for a full investigation by the office of the district attorney in Macon County. A prompt reply is expected from you.

Sincerely

Alonzo Austin
Alonzo Austin

Asissted

Asissted Living Facility

P.S. This is Mrs. Ruth H. Lewis, my Clients
Last know address 5888 Cherry Hill Rd.
MASON MANOR
Montgomery, AL.

The Montgomery Police ^{AA.} ~~disrespected~~ ~~disrespected~~ Ph. # 288-2288
I Last spoke with her on 6/10/94 at the above
facility - when I was forced to leave h...
49, Drive on...

CERTIFICATE OF SERVICE

I do hereby certify that I have this
day Served a copy of the foregoing
Document upon.

Gidiere, Hinton, Herndon & Christman
Attorneys At Law
60 Commerce Street, Suite 904
Montgomery AL 36104

by depositing Same in the U.S. mail
postage Prepaid on the 9th day of April, 2007

Alonzo Austin, prose
Alonzo Austin, prose
by, ~~Alonzo Austin, prose~~
ALONZO AUSTIN
1321 Oliver-Carlis Rd.
Tuskegee, AL 36083
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